

REMARKS

This is in response to the Official Action of August 30, 2002. Entry of this amendment, after revival of the application, is respectfully requested.

First, the Applicant has provided a revised specification, to attempt to clear up some of the terms and also to bring the specification into conformity with the original description and yet provide support for the terminology of the new claims submitted herewith. The marked-up version of the specification is included, along with a clean copy. The original claims are not included, inasmuch as the claims are replaced by the new claims enclosed.

It is respectfully submitted that there is no new matter, in that uniform terminology has been used, and terms that are in keeping with the recognized construction of a femur and a hip prosthesis have been employed. Some of the descriptions from the originally filed claims have been included in the specification as well.

The claims submitted herewith are believed to be definite, and directed toward the improvement that has been made for replacement of stems in a femur for revision or re-insertion of a hip prosthesis. As pointed out in the introductory background of the invention, the femur bone structure can become damaged by having a loose stem that is to be replaced. This damage is repaired by the present invention, and the stem segments are selected in length to insert into a good bone portion of the femur. A cylinder or rod in the center of the base segment is received in bores in the adjacent segments to align the segments and hold them in place by passing through the bores in the higher or proximal segments.

The bores are cylindrical, and the cylinder 103 is provided for insertion into the bores of the segments for alignment. A definition of the German word "zylinder" from the

word "Achsonzylinder" in the German text is a solid rod like cylinder. On a reading of the specification and a review of the drawings, it is understood that the cylinder 103 is a rod that extends from base segment 103 into bores in the other segments for alignment.

The claims define a system which includes a base segment, that has a tip that can be made to extend into the medullary canal or femur canal sufficiently far so that it is in alignment with solid bone structure, usable for anchoring such a stem, and in turn used for anchoring the neck (shaft) and head forming the ball of the hip joint that is connected to the femur stem.

The shoulder segment that is claimed has a surface to which a femur shaft and head prosthesis, supported on a conventional cone can be clamped on to the shoulder segment under tension. A tension carrying member such as the rod 50 threads into a nut in the cone support, or in addition suitable tension screws that pass through openings in the femur, the shoulder segment, and then thread into the base or shoulder of the femur shaft and head prosthesis.

The claims that were presented were rejected as being unpatentable over the Kranz Patent No. 6,102,956.

While the Kranz patent does show a number of shaft elements for a hip prosthesis, which would be inserted into the femur canal, the shaft elements are not supported on a cylinder member or cylinder such as cylinder 103 that passes through complimentary bores of the adjacent stem segments. Rather the Kranz prosthesis has conical sections and oddly shaped interfitting pieces such as that shown at 8 and 11 in the Kranz drawing for the section 3, and also for the section 2, where it fits into a portion of the shaft element.

The Kranz patent in addition has an integral pin 6 at the head section, that fits into a ball that replaces the head of the femur for forming the hip socket.

In the present invention, a surface on the shoulder segment that surrounds the collum-centrum axis is provided, and the femur shaft and head prosthesis forming the hip joint is seated on this surface, on the shoulder segment which can be concave and which is held in place with suitable tension screws that urge the mating surface of the femur shaft and head prosthesis, and the shoulder segment together. Specifically, a threaded rod is used for holding the head prosthesis or ball, against a mating surface on the shoulder stem segment.

It is respectfully submitted that the construction of the Kranz patent would not suggest the use of the cylinder 103 passing through bores in the stem segments for alignment, in that the cone shaped interfitting parts in Kranz is desired for the construction without having a true cylinder, and also, there is no suggestion of having a separate prosthesis for the neck and head that would clamp against a surface of the shoulder segment as claimed.

Favorable action is respectfully requested.

The following changes have been made to both sheets of drawings, unless otherwise noted:

1. The printed heading is removed.
2. All German Designations have been removed.
3. Figure designation has been changed to English.
4. The Section A-A has been changed to 2--2 (Figure 1).
5. The screw 60 heads have been reversed end for end to comply with the specification.

It is requested that the Examiner approve the drawing changes included. New drawings complying with 35 C.F.R. § 1.84 and embodying the changes are provided.

Additionally, a Power of Attorney to the undersigned's firm is enclosed.

Please address all future correspondence to:

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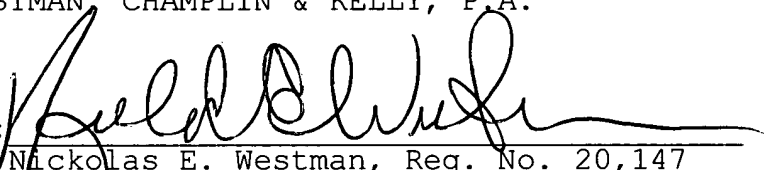
A Form PTO-2038 for \$650.00 for the small entity fee to Revive an Unintentionally Abandoned Application is enclosed.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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